

Applicants : Anne Marie Schmidt, et al.
U.S. Serial No: 09/166,649
Filed : October 5, 1998
Page 3

REMARKS

Claims 1, 2, 4-6, 11-13, 15, 17, 18, 20-21 and 24-29 are pending in the subject application. Claims 2, 4, 5, 8, 11, 12 and 29 have been cancelled. Claims 1, 14 and 26 have been amended. Accordingly, claims 1, 6, 7, 13, 15, 17, 18, 20-22 and 24-28 are now pending in the subject application.

Sequence Listing

Applicants have submitted concurrently under separate cover to Mail Stop Sequence, a Communication in Response to March 10, 2003 Notice to Comply in response to the March 10, 2003 Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures. Applicants attach hereto as **Exhibit A**, a courtesy copy of the Communication.

Withdrawn Rejections

Applicants acknowledge that the Examiner has withdrawn the rejections under 35 U.S.C. §103 of claim 4 and under 35 U.S.C. §112, paragraph 1, of claim 29.

Claim Objection

The Examiner objected to claim 29 because it allegedly encompasses a non-elected invention.

In response to the Examiner's objection, but without conceding the correctness thereof, applicants point out that claim 29 has been

Applicants : Anne Marie Schmidt, et al.
U.S. Serial No: 09/166,649
Filed : October 8, 1998
Page 4

canceled, thereby rendering the objection moot.

Rejection Under 35 U.S.C. §112, First Paragraph

The Examiner rejected claims 11 and 12 under 35 U.S.C. §112, second paragraph, as allegedly not enabled. Specifically, the Examiner asserted that the specification does not reasonably provide enablement for a peptide derivative comprising an alkyl group.

In response to the Examiner's rejection, but without conceding the correctness thereof, applicants point out that claims 11 and 12 have been canceled, thereby rendering the rejection moot.

Rejection Under 35 U.S.C. §102(e)

The Examiner rejected claims 1, 2, 5-8, 13, 15, 17, 18, 20-22 and 24-29 under 35 U.S.C. 102(e) as allegedly anticipated by U.S. Patent No. 5,864,018 ("Morser").

In response to the Examiner's rejection of claims 2, 5, 8, 11, 12 and 29, but without conceding the correctness thereof, applicants point out that these claims have been canceled, thereby rendering the rejection thereof moot.

Further, applicants respectfully traverse the rejection of claims 1, 6, 7, 13, 15, 17, 18, 20-22 and 24-28.

Claims 1, 6, 7, 13, 15, 17, 18, 20-22 and 24-28, as amended, provide a method for determining whether a compound inhibits the interaction of a carboxymethyl-lysine-modified advanced glycation

Applicants : Anne Marie Schmidt, et al.
U.S. Serial No: 09/166,649
Filed : October 5, 1998
Page 5

endproduct (AGE) with a receptor for advanced glycation end product (RAGE).

For a reference to anticipate the instant invention, it would have to teach *all the elements thereof*.

Morser fails to teach each and every element of the claimed method. Specifically, and as the Examiner concedes, Morser fails to teach that carboxymethyl-lysine-modified AGE binds to RAGE. It follows that Morser does not teach a method for identifying an inhibitor of such binding. Accordingly, applicants maintain that Morser fails to anticipate the claimed invention.

In view of the above remarks, applicants maintain that claims 1, 6, 7, 13, 15, 17, 18, 20-22 and 24-28 satisfy the requirements of 35 U.S.C. §102(e).

Summary

For the reasons set forth hereinabove, applicants respectfully request that all the claims of this application be allowed, and that the application proceed to issuance.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

Applicants : Anne Marie Schmidt, et al.
U.S. Serial No: 09/166,649
Filed : October 5, 1998
Page 6

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Alan J. Morrison
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Date

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Dkt. 56613/JPW/AJM/AAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ann Marie Schmidt, et al.
Serial No.: 09/166,649 Examiner: E. O'Hara
Filed : October 5, 1998 Group Art Unit: 1646
For : METHODS FOR DETERMINING WHETHER A COMPOUND IS
CAPABLE OF INHIBITING THE INTERACTION OF A PEPTIDE
WITH RAGE

1185 Avenue of the Americas
New York, New York 10036
June 10, 2003

Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

COMMUNICATION IN RESPONSE TO
MARCH 10, 2003 NOTICE TO COMPLY

This Communication is submitted in response to a Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures issued by the Patent and Trademark Office, along with an Office Action, on March 10, 2003. A response to the March 10, 2003 Office Action is due today, June 10, 2003, and accordingly, this Communication is being timely filed. Applicants are currently submitting an Amendment in response to the Office Action to the appropriate address.

The Notice requires submission of a substitute computer readable form (CRF) of the sequence listing, along with a statement verifying that the contents of the CRF are the same as those of the paper sequence listing submitted previously.

In response, applicants enclose a substitute CRF and annex hereto

Applicants : Ann Marie Schmidt, et al.
U.S. Serial No: 09/166,649
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Page 2

as **Exhibit A**, a Statement in Accordance with 37 C.F.R. §1.821(f).

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Sequence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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New York, New York 10036
June 10, 2003

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Commissioner for Patents
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Alexandria, VA 22313-1450

SIR:

STATEMENT IN ACCORDANCE WITH 37 C.F.R. §1.821(f)

In accordance with 37 C.F.R. §1.821(f), I hereby certify that the computer readable form containing the nucleic acid and/or amino acid sequences required by 37 C.F.R. §1.821(e) and submitted herewith contains the same information as the written "Sequence Listing" submitted previously on January 21, 2003, and does not add new matter.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section

Applicants : Ann Marie Schmidt, et al.
U.S. Serial No: 09/166,649
Filed : October 5, 1998
Page 2

1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

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